



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,256	08/27/2003	Dominique Charmot	2001-086CIP1	7181
22905	7590	11/24/2004	EXAMINER	
SYMYX TECHNOLOGIES INC LEGAL DEPARTMENT 3100 CENTRAL EXPRESS SANTA CLARA, CA 95051			PEZZUTO, HELEN LEE	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,256

Applicant(s)

CHARMOT ET AL.

Examiner

Helen L. Pezzuto

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 is/are rejected.
- 7) ☒ Claim(s) 5-6, 8-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/31/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

Claims 1-13 are currently pending in this application.

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 8/31/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gagosz et al. (Synlett (1999), 12, 1978-1980).

The journal article to Gagosz et al. discloses an irradiation process of ketoxime 0-(S-methyl xanthates). Prior art xanthates include compound 2a which falls within the scope of the instant compound, wherein R<sup>2</sup> and R<sup>3</sup> can be hydrocarby groups (i.e. alkyl, alkenyl) and R<sup>1</sup> is an alkyl group (i.e. methyl). Thus, anticipating these claims.

4. Claims 1-2, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sophiamma et al. (Proceedings- Indian Academy of Science, Chemical Sciences (1997), 109(1), 49-59)

The journal article to Sophiamma et al. discloses a method of forming polystyrene-supported hydroxamic dithiocarbonic anhydrides (i.e. 12a, 12b, 13a, 13b), which embrace the instant compound when  $R^1$  is substituted alkyl, aryl, acyl, and aroyl groups, and  $R^2$  and  $R^3$  is hydrogen and acyl, substituted acyl and aroyl groups as defined in the present claims. Prior art polystyrene support embraces the instant core molecule as defined in claim 7. Thus, anticipating these claims.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Villemin et al. (Chemistry & Industry, 1991, 5, 176).

The journal article to Villemin describe the formation of piperonaloxime xanthate which embraces the instant compound when  $R^1$  is alkyl (i.e. methyl) and  $R^2$  and  $R^3$  are defined as substituted alkenyl or substituted heteroaryl groups. Thus, anticipating these claims.

***Claim Rejections - 35 USC § 103***

Art Unit: 1713

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagosz et al. and Villemin et al. as discussed above and further in view of the following.

The R<sup>1</sup> groups in the corresponding compounds in these references are typically alkyl or methyl groups. Prior art do not expressly disclose the specific R<sup>1</sup> groups expressed in claim 3. Since prior art methyl groups is a homologue to the claimed substituents, at least to the -CH<sub>2</sub>CH<sub>2</sub>CH<sub>2</sub>CH<sub>3</sub> substituent, the examiner is of the position that it would have been obvious to one skilled in the art to replace the methyl substituent with those claimed in view of their closely related structures and the resulting expectation of similar properties. Thus, rendering obvious the instant claim 3.

***Allowable Subject Matter***

8. Claims 5-6, and 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art of record do not fairly suggest  $R_2$  and  $R_3$  form an optional substituted heterocycle ring as well as the specific compound and core species expressed in these claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

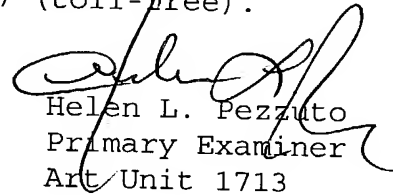
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/650,256

Page 6

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Helen L. Pezzuto  
Primary Examiner  
Art Unit 1713

hlp